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10/517,577	03/20/2006	Ronan Toulemon	11345/117001	1356
22511	7590	02/10/2009	EXAMINER	
OSHA LIANG I.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			BELCHER, HERMAN A	
			ART UNIT	PAPER NUMBER
			2448	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/517,577

**Applicant(s)**

TOULEMONT ET AL.

**Examiner**

HERMAN BELCHER

**Art Unit**

2448

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 12/09/2004.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is responsive to the application filed on 12/09/2004.
2. Claims 1-10 are pending.
3. Claims 1-10 are rejected.

***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 12/09/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner

***Priority***

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/517577, filed on 06/12/2003.

***Specification***

6. The disclosure is objected to because the following known informalities;
7. The foreign priority information should be included in the specification and should be under the heading "Cross-Reference to Related Application" following the title heading.  
Appropriate correction is required.

***Claim Objections***

8. Claims 1-4, 6-10 are objected to because of the following informalities:
9. Claims 1, 2, 3, 6, 7, 8, 9 and 10 are method claims and recite the following limitations "construction of transmission modules", "definition of a transmission profile", "transmission of the modules", "allocation of a level of dynamism", definition of a transmission profile", "transmission of the modules", "selective modification of access links", "quantitative analysis of the information", modification of the application" and "introduction into the application of instructions". These limitations are objected to because they do not positively recite a method a claim.
10. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
12. Claims 2, 5, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
13. Claim 2 recites the limitation "transmitted with a priority level chosen from at least two priority levels. Examiner does not know which two priority levels the applicant is referring to in this limitation.

14. Claim 5 recites the limitation "The method according to claim 3 wherein the priority level is an increasing function of the dynamism". There is insufficient antecedent basis for this limitation in the claim because there is no mention of "priority level" in claim 3 upon which claim 5 depends nor claim 1 upon which claim 3 depends.
15. Claim 6 recite the limitation "transmission profile". There is insufficient antecedent basis for this limitation in the claim because there is no mention of "transmission profile" in claim 3 upon which claim 6 depends nor claim 1 upon which claim 3 depends.

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1-6, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Anne Wright et al. (US Patent No 6442598 B1, referred herein after Wright).

**As per claim 1, Wright discloses a method of transmission, from a transmission center to digital television decoders of an application made up of a set of files containing data together constituting interactive pages, each page having a displayable content consisting of a main file and of included**

**components, if any, inclusion links, if any, allowing the display or the execution of included components, so as to obtain the entire interactive page, navigation links each pointing at a main file of an interactive page of higher or lower depth, a home page having a 0 depth level, a level 1 page being a page that can be called up through a navigation link from this page of depth 0, and more generally a page of depth n being a page that can be called up with a minimum of n navigation links from the home page of depth 0, the method comprising a prior step of reception of the file or files necessary for the construction of a plurality of interactive pages with their included components, if any, these files together forming an application or a part of the application corresponding to pages having depth levels lower than a predetermined level (Wright, column 4, lines 6-11 and lines 23-27), the method comprising in particular a step of semantic and syntactic analysis of the content of the main files of the application so as to identify the inclusion links and the navigation links, the method furthermore comprising the following steps:**

**a) ranking by level of depth of the various files together making up the application, an included component and the main file with which it is associated being retained as having the same depth level, and ranking of the various files by depth level (Wright, column 4, lines 22-27) where gatherer is configurable to gather from each site a home Web page at a root URL and any additional Web pages within a predefined depth below the root URL and the gatherer also collects any inline image files referenced by the gathered Web pages, as claimed,**

**b) construction of transmission modules, the files necessary for the construction of a complete interactive page with its included components, if any, being included in one or, if necessary, several modules, if a single module does not suffice to contain said files** (Wright, column 4, lines 28-38) where the webcast server has a packager to retrieve the web content from the content cache and package the web content into package files where they are stored in the package store and the broadcast unit takes the packages files from the package store, segments them into individual packages, and transmits the packages over the broadcast medium, as claimed.

**As per claim 2, the method according to claim 1, Wright discloses furthermore comprising steps of:**

**c) definition of a transmission profile containing in particular transmission profile containing in particular transmission order instructions such that each interactive page and its included components, if any, are transmitted with a priority level chosen from at least two priority levels** (Wright, column 8, lines 63-66 and column 9, lines 1-7) where individual pages in a group are partitioned into package files according predetermined rules such that (1) pages are organized in alphabetical order according to their URLs, (2) new package file are created for the first URL, and (3) and one or more pages are added to the package file, claimed,

**d) transmission of the modules with a frequency which is dependent on the predefined order of priority** (Wright, column 9 lines 52-60 and figure 3) where a store

and forward scheduler 94 reads the database 92 to determine when sets of package files pertaining to scheduled webcast groups are to be transmitted over the broadcast medium, as claimed.

**As per claim 3, the method according to claim 1, Wright discloses furthermore comprising a step of:**

**- allocation of a level of dynamism to at least part of the interactive pages, the modules containing pages that are modified more often than others having a greater level of dynamism than the modules containing pages that are modified less often** (Wright, column 8, lines 42-51) where pages that have not changed since the last time they were gathered are not copied while pages that have been updated since they were gathered, however, are retrieved and stored in the page cache (i.e. the pages that are updated more often will have a greater level of dynamism), as claimed.

**As per claim 4, the method according to claim 2, Wright discloses wherein the priority level defined in step c) is a decreasing function of the depth of the interactive page** (Wright, column 9, line 1) where new package file is created for first URL (i.e. first URL will have a lower depth thus a higher priority level, therefore, the priority level will decrease as the depth increases), as claimed.

**As per claim 5, the method according to claim 3, Wright discloses wherein the priority level is an increasing function of the dynamism** (Wright, column 9, line



1) where new package file is created for first URL (i.e. new/modified package file will have a greater level of dynamism thus a higher priority level), as claimed.

**As per claim 6, the method according to claim 3, Wright discloses furthermore comprising steps of:**

**c) definition of a transmission profile containing in particular transmission order instructions such that each interactive page and its included components, if any, are transmitted with a priority level chosen from at least two priority levels** (Wright, column 8, lines 63-66 and column 9, lines 1-7) where individual pages in a group are partitioned into package files according predetermined rules such that (1) pages are organized in alphabetical order according to their URLs, (2) new package file are created for the first URL, and (3) one or more pages are added to the package file, claimed,

**d) transmission of the modules with a frequency which is dependent on the predefined order of priority;**  
**wherein the priority level defined in step c) is a function of the level of dynamism and/or of depth of the interactive page contained in the module** (Wright, column 9, line 1) where new package file is created for first URL ((i.e. new/modified package file will have a greater level of dynamism thus a higher priority level and/or first URL will have a lower depth thus a higher priority level, therefore, the priority level will decrease as the depth increases), as claimed.

**As per claim 9, the method according to claim 1, Wright discloses comprising a step of:**

**a4) modification of the application so as to introduce instructions therein allowing a piece of software for managing a cache memory of a digital decoder receiving the application to identify the navigation links between the current page displayed and pages that can be reached through the navigation links of this current page, and to instruct the loading into the cache memory of said pages and of their included components, if any** (Wright, column 11, lines 59-67 and column 12, line 1 and figure 5) where the client supports a subscription graphical user interface (UI) 104, which executes on the client processor, to permit the user to view the directory in the scheduler database 102 and the UI 104 presents the list of available content, and enables the user to select one or more of the webcast groups and the directory on UI 104 also indicates the URL depth level and (Wright, column 12, lines 39-41 and figure 4) where receiver stores the package file in a temporary store 110 on the client's hard drive, as claimed.

### ***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anne Wright et al. (US Patent No 6442598 B1, referred herein after Wright) in view of Jay Unger et al. (US Patent No 6230168, referred herein after Unger).

**As per claim 7, the method according to claim 1, Wright discloses furthermore comprising a step of:**

**a2) selective modification of access links (URL) for navigation and/or for inclusion in at least one interactive page so as to render the entire application or at least a first part of the application accessible in a transmission mode, and possibly render a second part of the application accessible through a return path** (Wright, column 12, lines 2-7 and figure 4) where the user can select one or more groups by checking the box in front of the name, as claimed.

Wright does not specifically disclose **possibly render a second part of the application accessible through a return path, however Unger discloses** (Unger, column 14, lines 62-67 and column 14, lines 1-11) where proxy determines that additional components are required by processing the tag tree of the compiled file that proxy has received and cached, the proxy requests the additional components from the remote server even while transmitting already received components to the browser for rendering, as claimed.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Unger's method of accessing additional components of a file to Wright's method because one of ordinary skill in the

art would have been motivated to implement this functionality with a reasonable expectation of success to ensure that all the required information related to a request are delivered to the client in a timely manner.

**As per claim 10, the method according to claim 7, Unger discloses comprising a step:**

**a5) introduction into the application of instructions allowing, in case of access to the second part of the application through the return path, an automatic return to the transmission mode in case of request for access to a page which forms part of the transmitted pages** (Unger, column 14, lines 62-67 and column 14, lines 1-11) where proxy determines that additional components are required by processing the tag tree of the compiled file that proxy has received and cached, the proxy requests the additional components from the remote server even while transmitting already received components to the browser for rendering, as claimed.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Unger's method of accessing additional components of a file to Wright's method because one of ordinary skill in the art would have been motivated to implement this functionality with a reasonable expectation of success to ensure that all the required information related to a request are delivered to the client in a timely manner.

20. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anne Wright et al. (US Patent No 6442598 B1, referred herein after Wright) and Jay Unger et al. (US Patent No 6230168, referred herein after Unger) in view of Jay Jeyaprakash K. Chittu et al. (US Patent No 2002/0107892 A1, referred herein after Chittu)

**As to claim 8, the method according to claim 1, Wright and Unger do not specifically disclose furthermore comprising a step:**

**a3) quantitative analysis of the information contained in each file, and as a function of the results of this analysis, of deletion of the pages of depth 1 or higher than 1, commencing with the deletion of the pages of greatest depth, until the remaining amount of information to be transmitted is equal to or less than a predefined quantitative limit, however Chittu discloses** (Chittu, Page 7, paragraph [0147] where the removeNode ( ) method takes a node key as an argument, finds the parent of the node associated with the key, and delegates a delete ( ) call to that parent node and the tree node then recursively deletes all of the parent's children from the tree, in effect , deleting the node selected by the user as well as all of that node's children, as claimed.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Chittu's method of selecting and deleting parent's children from a tree to Wright's and Unger's method because one of ordinary skill in the art would have been motivated to implement this functionality with a

reasonable expectation of success to meet depth limit requirements for hierarchical structure should the depth exceeds the maximum requirement.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HERMAN BELCHER whose telephone number is (571)270-7205. The examiner can normally be reached on Monday thru Thursday 7:30AM thru 5PM EST, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fermin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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Herman A. Belcher

Examiner, Art Unit 2448

/FIRMIN BACKER/

Supervisory Patent Examiner, Art Unit 2448